

CSD 1161 [07/01/18]

Name, Address, Telephone No. & I.D. No.

Andrew H. Griffin, III 108378**275 E. Douglas Avenue, Suite 112****El Cajon, CA 92020****619 440-5000****108378 CA****UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA

325 West F Street, San Diego, California 92101-6991

In Re

Scott I TalleBANKRUPTCY NO. **20-04763-LT13**

Debtor.

RS NO. **NLG-1**

Moving Party

Scott I TalleHearing Date: **July 13, 2023**
Hearing Time: **10:00 am**

Respondent(s)

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY
 REAL PROPERTY **PERSONAL PROPERTY**

Respondent in the above-captioned matter moves this Court for an Order denying relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter 7 11 12 13 was filed on 9/25/20.
2. Procedural Status:
 - a. Name of Trustee Appointed (*if any*): **Thomas Billingslea**
 - b. Name of Attorney of Record for Trustee (*if any*): **Maureen A Enmark**
 - c. Debtor has previously filed a Bankruptcy Petition on: 8/14/12.
If applicable, the prior case was dismissed on: .
 - d. (*If Chapter 13 case*): Chapter 13 Plan was confirmed on 11 /24 2020/ or a confirmation hearing is set for .
3. *Number of unsecured creditors . Amount of unsecured debt \$ 9,046.21.
4. *Last operating report filed:
5. *Disclosure statement: Filed? (yes/no) . Approved? (yes/no) .
If yes, date of plan confirmation hearing:

*Only required if respondent is the debtor in a Chapter 11 case.

Respondent alleges the following in opposition to the Motion:

1. The following real property is the subject of this Motion:
 - a. Street address of the property including county and state:
344 North Letton St., Ramona, CA 92065-3026 (San Diego County)
 - b. Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved):
Single Family Residence
 - c. Legal description of property is attached as Exhibit A.
 - d. **Fair market value of property: \$ **761,000.00**.
 - e. **Nature of Respondent's interest in the property:

2. The following personal property is the subject of this Motion (*describe property*):

472,838

 - a. **Fair market value of property: \$ _____.
 - b. **Nature of Respondent's interest in the property:

3. Status of Movant's loan:

a. Balance owing on date of Order for Relief:	\$ 472,838.04
b. Amount of monthly payment:	\$ 2,487.29
c. Date of last payment:	6/1/2023
d. If real property,	None
(1) Date of default:	_____
(2) Notice of Default recorded on:	_____
(3) Notice of Sale published on:	_____
(4) Foreclosure sale currently scheduled for:	_____
e. If personal property,	
(1) Pre-petition default: \$ _____	No. of months: _____
(2) Post-petition default: \$ _____	No. of months: _____

4. (If Chapter 13 Case, state the following)

a. Date of post-petition default:	None
b. Amount of post-petition default:	\$ _____

5. Encumbrances:
 - a. Voluntary encumbrances on the property:

Lender Name	Principal Balance	Pre-Petition Arrearages Total Amount - # of Months	Post-Petition Arrearages Total Amount - # of Months
1st:	312,629		0 0
2nd:			
3rd:			
4th:			
Totals for all Liens:	\$312,629	\$	\$

** Separately filed Declaration required by LBR 4001-4.

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- b. Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens):
 See attached page, if necessary.

6. Relief from the automatic stay should not be granted because:
- a. Movant's interest in the property described above is adequately protected.
 - b. Debtor has equity in the property described above and such property is necessary to an effective reorganization.
 - c. The property is not "single asset real estate", as defined in 11 U.S.C. § 101(51B).
 - d. The property is "single asset real estate", as defined in 11 U.S.C. § 101(51B), and less than 90 days (or ___ days ordered by this court) have passed since entry of the order for relief in this case, or
 - (1) the Debtor/Trustee has filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or
 - (2) the Debtor/Trustee has commenced monthly payments to each creditor whose claim is secured by the property (other than a claim secured by a judgment lien or by an unmatured statutory lien) which payments are equal to interest at a current fair market rate on the value of each creditors' interest in the property.
 - e. Other (specify): See attached page.

When required, Respondent has filed a separate Declaration pursuant to Local Bankruptcy Rules 4001-4.

Respondent attaches the following:

1. Other relevant evidence:
2. (*Optional*) Memorandum of points and authorities upon which the responding party will rely.

WHEREFORE, Respondent prays that this Court issue an Order denying relief from the automatic stay.

Dated: June 8, 2023

/s/ Andrew H. Griffin, III
[Attorney for] Respondent

